

Supreme Court, U.S.
FILED

JUN 10 1987

JOSEPH F. SPANIOL, JR.
~~CLERK~~

No. 86-1638

IN THE
Supreme Court of the United States

OCTOBER TERM, 1986

LEE ENTERPRISES, INCORPORATED, A Delaware Corporation
and DONALD SCHWENNESEN,

Petitioners,

v.

WARREN E. SIBLE,

Respondent.

On Petition for Writ of Certiorari to the
Supreme Court of Montana

APPENDIX TO
PETITIONERS' REPLY BRIEF

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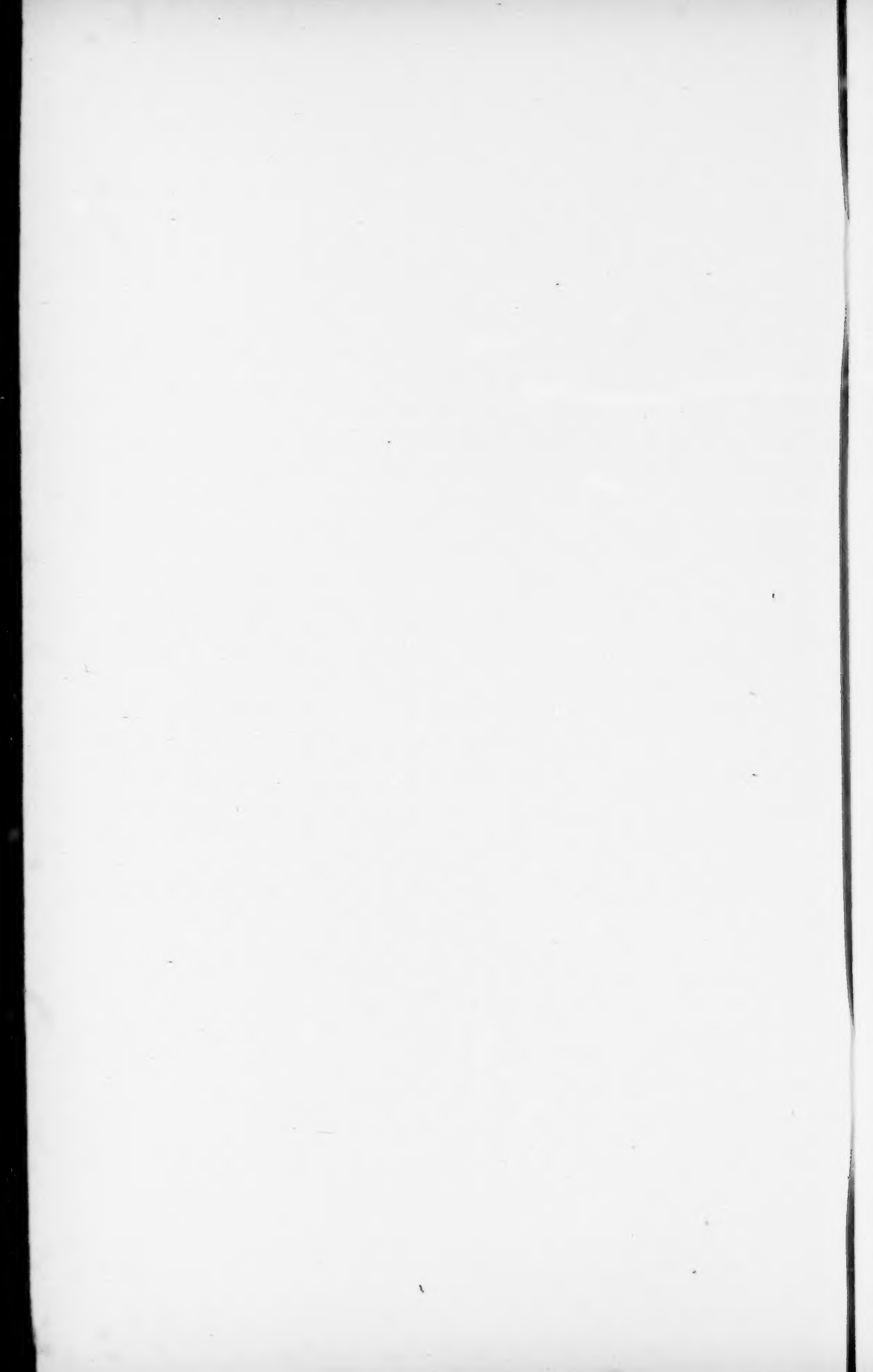
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**TRANSCRIBED NOTES OF DONALD SCHWENNESEN
RELATING TO SIBLE STORY**

This is Don Schwennesen, Missoulian Reporter, reading from my reporter's notes pertaining to the *Sible v. Lee* lawsuit.

I am dictating this on April 23, 1987. I am reading from books prepared in 1982.

The first is my Notebook No. 49, dated October 8 through November 2, 1982. All notes are chronologically in order, however, not every entry is dated.

Notebook No. 49 Dated October 8, 1982 Through November 2, 1982

ENTRY

If certified for hearing—six months to one year—
Ray Brown—

Ann McIntyre—not filed with us.

A provision in rules adopted for confidentiality

Neither charge nor information obtained—nor records—
shall be—

recent Supreme Court decision constraining authority to
investigate

matters that might conceivably

Union Agreement—breach—unfair labor practice

Board of Personnel Appeals—call awhile ago regarding
commissioner

campaign practices

Board Personnel Appeals—

Lypus; four have approached me with problem—re-
ferred to

AG—today—allegations to effect that they intimidated
by sheriff because not supporting them—

I can't investigate—no capacity plus too close—request-
ing
investigation—because not supporters—
He's not one of them—
961-3457; Greg

* * * 1

ENTRY

Montana Highway Patrol Sgt. Dan Kraut—Missoula—
Story in Kalispell
Suspect Rierson like alot of sheriffs dismiss charges
also sexual harassment—

* * *

ENTRY

Britt Davis—Great Falls
\$95,000.00 buy money—detective sought—all gone—
Norm Hayden—

Tape Dennis Updegraf
Ernie Freebury
7—4 Statements done, 3 still being prepared
20-30 eventually
55 in department

Sybo—\$1,000.00 burglary—Daughter
Schwinden took Al off crime board
Ron Clark

Sting operation—a political ploy—throw
big party—bust two days before election

ENTRY

Lympus; I've got to be really careful that because office
isn't used for that purpose. I'm not going to
allow my office to be used by either

¹ Note, * * * indicates intervening notes unrelated to the Sible
matter were omitted.

Fritz Baer—Criminal Investigation Bureau
would deliver results along with recommendations
two others including one former department employee
one local journalist—

Crone called end last week—asked what tell these
guys

they negotiating—no complaints last few months.
Lympus said told them can't be resolved before election—
they said they understood—

April 1—9:15 (2 months ago)

Updegraf, Barenger, Freebury, Fister, 90 minutes

March 18

Norm Hayden—Security business—257-2102

Speelman—

without trying to pass judgment, do feel worthy and
merits
investigation

Dennis Conner—son-in-law and attorney—got allega-
tions

ENTRY

JoAnn—Advised not to til investigation complete At
this point I have not talked to the AG's office—

(first time she knew they would act was earlier this
week—has had others who in end refused to sign—
several

who often said when do something on Rierson she
said would protect sources but you guys have to talk—
they scared—I can understand—it's tough when you
want to say something about any employer—in last year
more—first she knew they serious was this
week—

there have been several—about time search for plane
Al

was livid, absolutely irrational—in my heart I don't
know

what he was

upset about for sure—same day he in Inter-Lake reamed
out Pat King—King said he couldn't believe a public
offi-

cial would act

that way—wanted to meet with her boss—said would
have her job—he believed she thought concocting whole
plane thing as a political thing—I don't understand why
he thought what he thought—

want the public to know their side before public goes
to vote

—she just made statement—not complaint

I've been around Al 13 years—I think he's partly
paranoid—I've thought that for years—he's not

good at handling criticism—if someone said something
good about Chuck he would think it was bad about
him—a true sign of paranoia

later he saw no reason for meeting

used to call Greely two-three times a week demand high-
way

patrolman

be transferred out

I don't like the timing but

it wasn't anything I could do anything about

ENTRY

Oberndorfer; Dick Cantrell—Jailer

Hayden will not talk—one complaint was JoAnn ordered
by Al

to investigate Hayden and deputies out joyriding in cars
—Al

said would furnish facts—JoAnn went to Hayden who
that night making rounds, went to see carlot, noticed
whole

line of cars in back had keys in doors—waited til

deputy arrived, they left—subsequently alleged Norm
joy

riding

in used cars—Norm sought libel suit—then Al brought
 in Norm, threatened him—also charged Hayden
 more
 there are people down there who are not going to vote
 for the
 sheriff—whoever
 Al not aware

755-7199 Rick Fister

Rick is suppose to hear from AG tomorrow—will
 Al has surveillance on officers
 Rick will have to stay within realm of statement county
 attorney—
 legal counsel said lay off—
 suspects manipulation within the files—
 Dennis Updegraf—he works until 10—
 Fister

ENTRY

Hayden a statement of facts—basically its evidence—
 —a direct threat against me—
 save any comments til after AG
 my concern is trying this thing in the
 papers—threat was made against my business and
 livelihood—if backed another candidate.
 on campaign committee—Rhodes had no idea this
 was happening we purposely kept him in the dark—
 I had even considered resigning from his campaign
 committee you guys scooped this before I could
 resign—we're talking about solid concrete
 charges that have been in works for sometime
 former K-9 officer—left in '78 not
 quite 4 years ago—not during problems just
 couldn't work under the conditions—couldn't face
 another 4 years of it—August 10 last day—
 —worse—should be saved for the investigation—

[The following lines "I know . . . off the ground" are lined out but legible]

I know how it looks coming out this close
to the election—its taken that long to
get off the ground—

Rick Fister—to my knowledge Rick Crone not seen
statement either—

Freebury gone hunting

Cal Beringer—755-8553

* * *

ENTRY

Democratic party protects Democratic incumbent—
call Dennis—Rick—after 7:30

Stephens: Somehow want you to hear a tape—then
you'll know—

* * *

ENTRY

Lonn Holklin—443-0090

Commissioner of Political Practice 449-2942

Jack Lowe—Staff Attorney—

I don't know at this point—have
theoretical power—don't know if time and money—
no I would not—it looks to me
like—would have thought it would suggest of
a felony

[off record claim murders, rapes, robberies

I think something's going to have to be done—AG
law enforcement would have help

argued with Fritz Baer

statute of limitations is 2 years or 4 years— isn't
any hurry to jump up there and do it this week

* * *

*Notebook No. 50 Dated November 2, 1982 Through
November 23, 1982*

ENTRY

Lympus; not doing anything til after the election—
he called me day after returned—told me same
as told you—
—misdemeanor election laws—
—intimidation—a felony or not intimidation
have to have specific purpose do some specific things
Wertz case—stopped secretary—said if you don't
let me have intercourse, I'm going to rape you
or if prosecute friend DWI, I threatened to kidnap your
kid

* * *

ENTRY

Rhodes; good—feeling was information receiving
would probably win but by narrow margin—
feeling pulse I had out here was time
for change—slogan "Peace Officer" not politician
talked some about budget—
stability—there was a paper blizzard
we're wrapped up around the spoke a little—
make more efficient—[the following two words are lined
out but still legible] get your
when
reports come in at least 7 different places have to
file it—talked to some of girls, we can
eliminate some.
some equipment can be utilized that will help—
(TV—video tape machine in office never used)
delegation of authority entails—responsibility is sheriff's
no matter what happens—ought to be run like a business
worked 57-63 Chevy garage—parts man 13 years—
when working at garage service man didn't worry about
spark plugs—if customer complains then manager

gets involved—don't worry about nuts and bolts—
 you got give that man authority—
 in some cases let them do it—
 should have spokesman—I think men
 trained well enough—shift sergeant—to know what can/
 can't release—

will establish chief criminal deputy back—(Dutch
 Taylor)

primary mission is to protect life and property when
 complaints, very important to follow-up. Cec Cowkes—
 will consider 4-10 shift—can maybe

save money—will require agreement with association—
 was negotiated last year

(AFL-CIO Western Montana Law Enforcement Associa-
 tion—

Doc Harkins

as far as I was concerned that was a
 separate incident—not part of a campaign—was
 aware some of them had been talked to—
 was told after they filed—

I don't think so—probably lost a few and
 gained a few—

4 January 1st Monday in January

* * *

ENTRY

Updegraf;

—smoker

—saddle

—phone bills

—coin shop

—ring

—Richard Stewart rifle

—Stewart van crimestoppers

—trip to Deer Lodge to seek testimony
 against another officer

—car sold to Wrecker firm
 —tearing up booking sheets
 —National Guard General—

* * *

Notebook No. 51 Dated November 23, 1982 Through December 13, 1982.

ENTRY

Stephens—Pony Express
 755-9765 844-3473 Updegraf
 individual who came to talk
 to us working on briefs—royal
 run around—get impression
 they wish I would just shrivel up—he asked now
 Al no longer in office where you stand—he said
 criminal not political charges—the only political thing
 was because Rierson chose to make it that way—
 I didn't choose to be called in and put through
 what I was put through—he intimidated me,
 that's why I filed intimidation charges—Bob set
 meeting with Governor—followed his procedures—in
 first place wouldn't file charges if didn't feel
 had cause to charge them—
 home all day today—in town 3:30 p.m.—
 tonight 6 p.m.

Jack Lowe—Mrs. Krevick
 work Friday 10-6 Monday p.m.—up to 1:30-2 p.m.
 into Lakeside—Short Branch—turn across street
 from Short Branch—past fire hall to top of
 hill turn left cul-de-sac—his house on
 lower side—223 Sunrise Lane—

Norm Sundholm—Pony Express
 Kingsman—Louis Louis
 he and brother later started Sun Music

A.G. has list
packet of statements to Governor

1. Call Lowe—status report—
2. Updegraf
3. Lowe—report back
4. Greely
5. Schwinden
6. List people plus any others who fence runner
7. Stephens—

* . . *

ENTRY

11/24 Commissioner on Political Practices
Krivek—we sort of
got it dumped in our laps—
our attorneys been up there
investigating it
it's even debatable
whether it's our case yet
another thing that's delaying
us—sheriff is still in
office—we would need
law enforcement officers up here—it was very difficult to
investigate
with the sheriff in office—really hasn't been any
decisions
made yet
will be if there is a case after the new year--
we've heard reports about this
I think if he left the country it would
complicate our investigation
I'm not quite sure that this has anything
to do with our office—A.G. gave.
If filed under criminal code, it'll probably be a felony
we have nothing definite to give you yet.
There were others—but he hasn't made
any big decisions yet—
Either we will file or A.G.'s office will file them or

may be the county attorney up there—but first
 we have to find out if the charges were committed—
 we can file a felony—in District Court in Kalispell
 it's not going to just die a natural death unless
 we give you a statement that it is—it's
 not going to fade away.

* * *

ENTRY

October 14—filed charges. Updegraff 11/29

[promotions made—offered—strictly to
 those in his camp

Lieutenant Sible to captain. Captain LaBonty to chief
 deputy

Patrolman McGill to Sergeant, Stolfuss, Jailer to Ser-
 geant

Jim Haupt, patrolman to Sergeant.

Others who turned it down Lieutenant Trahey offered
 captaincy

Lamb Sergeant, Mitchell Sergeant

17 chiefs and 13 indians

(\$6,000.00 rumored missing from sheriff

detective Lamb getting Sergeant's pay

Corporal Haupt getting Sergeant's pay

Stankey receiving Sergeant's pay (only one longer than
 him)

Stolfuss receiving Sergeant's pay

his date rank as corporal 4/12/77—Brendeman and
 Wilson

got corporal he first

list of 29 names—in, former and outside
 department

felony crimes covered alleged—juggling of books—

extortion—destruction of records (jail records)

tired of being a second class citizen

was once ready to break down door for intimidation
 charge

against another officer. I'm angry and upset—I'm trying
the system and it seems like the system's going to
go potty on me, I don't like it

45-5-105

inflict injury—confine
can't

expose any person to hatred, contempt or ridicule or
take action as political official against anyone or any-
thing,

withhold political [the previous word "political" is lined
out and the word "official" is written over it]

action or cause such action or
withholding

maximum 10 years

can be felony or misdemeanor

13-35-218

Coercion or undue influence of voters—

use or threaten to use force, coercion or undue influence
no penalty

13-35-226—no public employee may coerce to vote

\$1,000.00 county jail—6 months

day after charges filed Ed Marriott Bigfork confirmed as
full-time after probation period previously expended—

has denied intimidation in press—

I didn't do this to get Chuck Rhodes in to office I did this
because I had

the timing stank as far as we were concerned but

we did it as soon as we could

labeled mudslinger and liar

I want this to go to court—I want them to put

Al Rierison on the stand I want to go to the court—

I want it to be heard

If drags on long enough, will play for publicity

Fister complained—Updegraf his supervisor—so
investigated—

we're police officers—we know what we have to
have to file charges

one statement has felony coverup theft

Max Salisbury—felony theft coverup

Jim Fitzgerald—embezzlement case

Amber Meyers—intimidation, [word illegible]—
treasurer/motor vehicles

Gary Franklin—witness to Freebury—was out of
town

Fister—Berringer—Freebury

Was going to get plowed and go try to find something
cuddly

now that Al's out do you want to go through with this—
has transcript of tape—

moving political practices office—

Salisbury statement held up—

(Hayden, Potter, Updegraff, got Rector when he sur-
rendered)

ENTRY

449-2942 11/30

Status?

laws under consideration?

Rierson to Mexico?

List of 29 names?

Package to Governor's office?

Possible information regarding felony theft coverup?

Commissioner Krivek

or Jack Lowe—

father ill—to Arizona

Blake Running, auditor

gone for 10 days—

gone 1 week—

Krivek

A.G. has all papers while

he's gone—it isn't back

to them officially—they
 consulting—he will be out of
 town for a week—does not
 make any difference—we have
 found once the case is
 filed it doesn't matter where
 he goes—doesn't mean it
 goes to the judge right
 away—even with a speeding
 ticket they give you time to
 make it convenient for you—
 it would still be open up
 to seven
 I haven't gotten anything
 other than what I originally
 sent—the 6
 no final judgment

* * *

ENTRY

12/1

Salisbury: 6 went in—he didn't go in
 that day—personally contacted Ted later asked
 if he wanted statement—said he would look at
 it—more we talked more he realized didn't
 want it occurred in courthouse parking lot—within 2 or 3
 days after initial complaints—first time acted like didn't
 want it—Lympus leaving in pickup—said bring it in
 I'll look at it, don't know if it'll help—
 These are facts bearing on case—
 met approximately 1 week later—Ted said didn't feel
 statement would be of value—I of course asked him
 why—

he said he felt it may do more harm at that
 time—felt there was enough ammo—if throw
 too much out may provoke sympathy—I decided
 with that why bring it in—he was aware of
 statement—I wasn't that concerned due to the

fact that a copy of my statement had been sent to the Governor

resigned August 15, '81—reason I resigned was if Sheriff Al Rierson wanted to employ and also have this individual as supervisor and yet I filed report that he was involved in a theft not only did I suspect him I had an still have a witness that will testify that the victim observed his stolen item in Sible's yard—he walked right in his yard and observed it—he had been detective—was being transferred July 1 from

detective to patrol—reason I was given was sheriff decided it was time for all detectives to rotate back through patrol on a 6 months basis—detective was paid then same as senior patrolman—wanted to start with detective who'd been there longest but started with me—(Harkins had been detective longer)

He was only one—

why—it was very obvious—can't prove but from time Sible moved from Lieutenant Traffic Division to Lieutenant of Detectives

I believe it was about May—at time he was moved into detectives I was investigating him—

(Saddle: Jim Magill and Dan Yourman, Sargeant of Detectives

investigated saddle—Magill since promoted after election—

with John Christian saw Ted in parking lot asked about saddle—he advised

had done everything he could—turned back to sheriff—Sible said lady California had saddle—

one of my biggest questions Don is what kind of pull does Rierson have in Helena—seems like everyone's afraid

of him they don't want to investigate him—is he on the payroll does he have something on him

When quit '81 took copy of the Sible investigation to
County Attorney—County Commissioner's Office, Ted's
secre-

tary, Joan

Deist—original suppose to have reached Rierson because
gave it to undersheriff—he had been advised by
Rierson that I was coming in turning in all my
equipment—Sible and I will be here to check it in—but
weren't around when I came in—had advised

Gary Franklin—gave original of report plus copy for
Sible—I wanted everyone to know exactly what
I found out—also copy in Clerk and Recorder's Office—

(Saddle: California lady said would take polygraph if
Sible
would too)

Homemade smoker for fish—meat—

materials \$100.00—\$200.00: Bill Eckerson ex-game war-
den

Eckerson had married 5-6 times separated emotional
problems

threatened

suicide—Sible, Yourman, Salisbury possibly one other—
brought

in on protective custody—he booked, made calls,
released same night he booked—

working security at Outlaw:

Walters El Rancho case—off duty—Sible and Franklin
investigated—

when he returned home realize smoke house gone—

started doing some calling contacted an ex-wife,
picked up information that Sible had contacted her asked
what

Bill was going to do with smoke house (was built to be
permanent instead of portable)

bought fancy [next word illegible] lights could have
bought

three older for one new

phone bill—county credit card when Don Rekston work-
ing

Sible caught using credit card for personal use—\$120.00
or

so—

father ill in Chicago—he said daughter had abused—
100,000 Bigfork house—wife works hospital—daughter
married/divorced

to son of friend—baby grand/organ—had to [word il-
legible]

Maxine credit card—to California—personal calls—after
memo out to log—probably pre-November election

He found out Sible had been asking about smoke house—
drives to Bigfork stops at Echo Lake store approximately
got directions to Sible residence—drove in—did not
approach

door—saw vehicle in yard waited for someone to come
out no one did—looked around spotted smoke house
similar

to his in northwest yard—walked over—even before
got there knew it was his—went back to house,

waited for someone to come out, no one did so

he left—if he'd seen something of his in your yard

he wouldn't knock at your door—as far as I know

it's still sitting in his yard—7 years ago—Sible

can't be arrested but could still return smoke house

no reason to have smoke house other than that

he wanted—

most built old refrigerator—Bill's wasn't like that

probably 3 feet square or larger approximately 6 feet
high—

on concrete blocks—

would hang meat, in bottom 8 inch stove pipe elbow—
would

build fire outside to
 when Christian and I investigated—took photos though
 repainted Bill identified it—was Forest Service green
 underneath
 we took pictures so no doubt same smoke house—
 investigation started under Sodorstrom—
 Spring '81 Bill contacted at El Rancho 1 night—where
 he
 workin
 overtime on burglary—he asked if Sible still working for
 us I
 said sure—he said smoke house stolen
 Sodorstrom said investigate like any other case—bur-
 glary—
 sheriff did call Sodorstrom—Rierson called John and I in
 said investigate like any
 other case then give me report—we asked no inform
 Sible (but probably already had)—after got pictures
 trying to locate Bill's ex-wife—I never had problem
 with confrontation Sible—Christian went round and
 round
 with Rierson over
 Sible in charge of detectives—for first 3 weeks May no
 problem—then 3rd week May Mitchell and he went on
 wagon
 train trip through Dixon, etc.—didn't expect Christian to
 be
 there when return—when came back realized I had
 problem—John and Sible buddy buddies—Salisbury
 asked
 what going on—Christian said you've got to know how to
 work
 these guys—week later got letter from Sible on
 not working not following up—complaint from fellow
 detec-
 tive
 regarding demeanor in handling female complainants—

(he married now, at time he separated but January '81 reconciled, still problems)—so went to Sible asked how about reports

(meanwhile had noticed was getting shit cases—no suspects no leads whatsoever—when nothing to add what do you do?—2 days before wagon train trip confidential

informant contacted Tuesday A.M., Tuesday P.M. did drug

bust case completed Thursday—but got letter after returned said not working)

morning of letter had left house about 6 A.M. had another confidential informant—female—had notified office left

phone number and confidential code (she had private business at home)—

Sible called her to find out what I doing, said supposed to be at work—finished interview, returned and found

letter on desk—Rierson thought I pretty explosive, when he first took office I shot dog in mid air leaping for me—almost threw 50 year old man off river in to bridge [should be off bridge in river]

Cal Mont Lumber Whitefish Stage Road—he living on Whitefish Stage going to school Flathead Valley Community

College at time—when started bridge

they went to Reserve put signs said Bridge Closed—

he lived south of sign didn't know bridge closed—

off duty would patrol Cal Mont cross bridge—

when I approached bridge saw pickup coming fast so

dropped off single planks Cal Mont he pulls in

front and stops me—I got out he puts foot on

bumper tells me get off bridge—

a week later in front office Rierson asked about Marvin

Grob

—Rierson

said your temper's going to get you in trouble—getting
 physical
 with prisoners less than 1 per year in 9 years as far as
 actively
 resisting—martial arts for years—you know how to
 do it,
 not afraid to do it, in shape to do it—from those
 2 incidents Rierson had idea I was rowdy type individual
 liked to thump on people
 only 1 complaint from prisoner—was Brock Wilson—
 put in detectives because Rierson afraid of rough stuff—
 before
 shifted individual in office being booked, had feet on
 desk—I asked him 3 times—then flipped feet
 he complained flipped upside down when refused to
 empty
 pockets
 seemed like I was always trying to convince him that
 I was way I am not way he pictured me—
 if I was right, I went to hell and back to prove I
 was right, if I was wrong I took my ass chewing
 after Bigfork 4 July riot said he and Brock used too
 much
 force—arrested 1, pushed another half length of
 Bigfork—2 of them Brock and I pushed—Rierson gave
 them
 ride back to Bigfork—they never pushed down
 man I arrested Rierson pushed him out back door
 we ordered by Rierson to clear out town of
 Bigfork—people who did not leave were arrested—
 Jack Ulrich, possee member 6-3 250 lbs. other
 1 shorter—not in uniform—asked to leave you said
 don't have to leave said will arrest—who—he laughed
 next thing he knew he was in a come along hold—
 can put on him without hurting, if didn't have training
 would probably have to go hand to hand fisticuffs with
 him

arrested, handcuffed, taken away (5 in office)
 (July '74)—Al said he too aggressive, used too much
 physical contact—people had closed off street taken over
 town—12 highway patrol plus sheriff department decided
 to
 retake town—
 asked Rierson how many riots been in? none—20,000 vs.
 500 MPs Okinawa December '70—2 others—(72 Okinawa
 back to
 Japan)
 when GI ran over Okinawa girl
 confronted Sible about it—talked about Salisbury's re-
 ports—
 he felt doing what could—(Sible not investigation
 trained)
 what about female complainants, told me if Jim
 Mitchell—
 when Mitchell returned Salisbury gave him letter,
 Mitchell
 denied—
 meanwhile confronted Rierson regarding Sible and me—
 Sible
 had said
 should go to patrol since "sloughing off" in detectives—
 told Rierson letter justification shaky, didn't want patrol,
 Rierson said Sible handling, not getting involved—
 I can see as I look back now I should have taken
 more aggressive stand—may still have job there—
 probably going to work out for best
 also with Rierson he brought up Sible investigation—
 night
 before contacted ex-wife got statement, followed me back
 down took original—he wouldn't let me out of sight to
 get
 it—
 next day Max asked Sible and other detectives who

complained about my demeanor—Sible said this spring
you

had female complainant in county car spent two days
Woodland

Park

at time he under Bob Soderstrom—got from Christian—
Max and Christian confronted by Greg Paskell—he re-
quested

Max regarding divorcee and six-year old son with ex-
husband

from Oregon

to visit—has history of taking boy and not returning—
been

physical broke door set ex-wife's attorney's car on fire
Oregon—

have verbal court order Salansky to escort lady and tail
during visit two hours two days—approve Sodie—did
just

that

met at Paskell's office—told both husband and wife
estranged—

two afternoons—Paskell will verify—

also got letter from earlier informant—

if Rierson wanted to support S. Sible wanted to believe
I didn't want to work for sheriff—

July 1 transferred back to patrol—

Christian had witnessed Paskell conversation—knew
having

marital problems

I couldn't believe this was happening to me

R 25 equals John Knapp at lunch

(Christian has hell of a driving record—5 or 6 cars
wrecked—

smashed hubcap John Christian driving award—

when we worked together I drove 90% of time—he

told me longer in pursuit more excited I get

not long after quit he chasing misdemeanor violation he
wrecked—

from that day on he was a working fool—he
 was a go-getter
 Max and Mitchell used to be real close—he had
 wagon Max helped—when I quit, closer to election
 further apart we got—I told Jim how I felt—
 I had a career going there almost 9 years
 that was my career—don't tell me to let
 bygones be bygones when I'm forced to end
 my career because we have a thief being supervisor
 from time to time he would bring up memos—was going
 to
 start—

we were evaluated by supervisor—discussed—never once
 did

I have a bad evaluation—never saw personnel file once
 gave to him, he took it back—

no control over files—

Rick Stewart—van Crimestoppers
 —rifle murder weapon

home after 8:30 P.M. and this afternoon

* * *

ENTRY

who with governor would handle—

governor—or Ron Clark—from officer present—
 home 443-2883

AG—requested grand jury investigation—
 call Denny

*General—Montana National Guard—

*two men watched him tear up booking sheets
 one took torn up sheets, tried to match fingerprints
 Martha governor in Billings

Ron Clark: he's right here

Dave Wanzenreid: governor met with officer and private
 citizen

in Kalispell at their request in October. Set up through Ron Clark at meeting number of verbal allegations made against Rierson—some materials they wanted to provide governor—he said they not able to investigate—pre-election timing poor—said information given should go to county attorney—

they did provide him with some written materials—same information to county attorney—commission on campaign practices

he kept it here—all other investigating agencies have received information—person with governor has information

governor made it very clear agency responsible not governor—

would he serve as a mailman—had to go to county attorney—if had

would hope would give him same information—

will be here til after 5—home til [previous word “til” lined out but still readable] after

6:30

442-1288

ENTRY

12/1 Lympus

I sent them all to Greely—

I don't even remember what he said—

I wasn't aware of that—or of particulars of investigation

if he has allegations like that he ought to send them over to Jack Lowe.

you recommended polygraph Debbie Sible
Debbie Lipp—his daughter—

837-4259: Warren Sible

ENTRY

8:00 A.M. on Sible and Sarah.

ENTRY

Max—quit August '81

Sodie quit

Came forward after election to avoid
election—I'm not going to benefit by it—

Nobody's going to benefit by it—just want to know.

ENTRY

Warren Sible—sick 12/2

Dale Walters—out in car

543-7231

Western Montana Criminal Justice

1:00 P.M. Holiday Inn

LEAA

I certainly didn't pick up anything in there.

No, sir, I didn't. That's awful bad.

Could be liable for lawsuit.

Yes—talked to sheriff—told him didn't know
anything about it—at that point nothing more
ever came of it—because sargeant might have been some
personal problems between

it sure as heck is a false deal—if anything were to come
out on this, I

definitely would hire lawyer—slander, not true—

as law enforcement officer, don't think it's very good
thing

to have pushed around—

Curt Snyder was sheriff—in Arizona now.

ENTRY

Sible; 9:00 A.M. no answer—I'm not talking to you
while

I'm home

sick—I'm tired of you god damn reporters bugging me at home.

* * *

ENTRY

Rierson attorney: son-in-law Great Falls

543-7231

Sent to county attorney's office—to my knowledge it was—no access to those files—

ENTRY

Fritz Behr: sent to Political Practices Commission—
why?

What about their claims can't handle it?

What law governs?

Requested 81 to investigate Flathead County Sheriff's office?

(Kathleen—notice of new publications—Steve Woodruff—)

Dan Schoolditch—can't comment on
whether got them or not—
cannot make comment—
not that I'm aware of—

ENTRY

Lympus—whether he received investigation report from
Sible

affair. —do you want Salisbury statement?

Salisbury—ex-wife's statement?—gave it to secretary
and

commissioners and

Sible, Rierson—Sto

give statement to Rierson?

Christian with you on Sible case?

(she said didn't matter whether she contacted—didn't
remember—they divorced—Bill's stuff his—

Bill said Sible had contacted ex-wife—she said can't
remember—been 7 years)

If came and asked, probably would have given it or made him

one

Later stopped Deist asked her she contacted Ted he said limitations over—at minimum should have returned and disciplined

something should have been done to rectify the situation—

time when I talking to him with regard to patrol re-assign-

ment, letter. He asked

about Sible investigation—I got statement from wife—got

original

ENTRY

Fritz Behr: not in town—back late Friday or Monday Salisbury

Rierson wanted to know—called in—John Christian submitted statement—Salisbury saw coin in

light, walked straight out—

I seen it, it registered,

Al Rierson

creditors after Salisbury

* * *

ENTRY

Sible was investigated—wasn't covered up—13 years ago.

He and Bob Brandewie hunting by Echo Lake—this old thing sitting here—property for sale—that only thing left—he called number there his wife—

Brandewie owned Mountain Lake Tavern—he gave to Bob—

Bob gave it to me—

I don't know why—he never did contact me—

why wait 14 years—Brandewie contacted [word “contacted” lined out] died

Max seems to feel I took it—because I called
 his wife and asked about it I took it—
 problem with Max—really striking out—didn't walk
 out on best of terms—
 his own partner said he carrying on personal business
 with women while working—had meeting—Johnny
 confronted him with it—
 when I took over Soderstrom left—isolated cases he
 going back after work supposedly guard
 if we had to dig into it, I think we could—
 talk to John Christian
 before divorce final he married other girl, remarried—
 Max had had more than his share of problems—
 all he'd had to have done was ask me about
 it—he has never talked to me—trump up
 things—wasn't keeping up with case load—every
 else 50% cases cleared—others 10%—
 if stop in, will show how it works—every case
 on rotational basis—if check with guys in department
 will find out—
 letter to union had meeting his caseload not
 holding up—he fought against that—
 Christian—
 Al didn't have grounds to fire: sleeping on duty, direct
 negligence of duties—was best administrator going, since
 not doing good job
 basically he's pretty easy
 that's putting me in libel position—will sure pursue
 with legal action both against Max and against the
 paper—
 there's a lot more here that doesn't come to light
 if it all came to light I think Max would
 really end up on short end of stick
 Warden
 he told me yours just a minor part—way it
 turned out mine was only one—I certainly don't
 want to get mixed

never been Mountain Lake Tavern once in my life—
there was a bunch of hippies in there so I never went
back—

don't know any Brandewie at all
they'd forget about it I'd forget about it
of little value—

that's certainly not right

Max's problem: he disliked Sible—they had personality
conflict—

Christian was Max's partner—backed out of
him too—it's fine to go after someone if you got some-
thing

big on them—I never did really believe in this little crap
I didn't ask for it back—I was probably mad
at time—so mad probably would have wrapped it around
his

head

I certainly wish no bad things for any of them—

I wish they all could have worked differently—I
thinks it's better off buried myself—

No secret around town that Sible got away with my
smokehouse—they all stayed away from me—
don't have any particular love for Al Rierson—he's
elected [word "elected" lined out] out of office—no bad
feelings whatsoever

about it—I just think it ought to be buried—

accusation about women is false—[name deleted] ²
having affair with—rumored

—Sible ever discuss with you?

after—last night—talked to Rhodes—

(Chuck was going to use that plus other things to remove
Sible)—

why not hunt up Bill and return smokehouse?

Christian: we investigated child molesting

² Certain names of persons not central to this action have been
deleted for purposes of this Appendix only due to possible privacy
concerns.

April '81 another lady filed complaint through friend who was

church friend of John—he brought it into department—
said

we had complaint, know who suspect is, didn't register
til talked to mother of victim—victim about 7-8 got
hysterical when saw [name and facts deleted]

John and I talked to her—it was ex-wife he dating—
Salisbury knew two boys and mother—mother said didn't
want anyone but me interviewing her boys in that situa-
tion—

I interviewed different times—she also gave statement to
John—

boys wouldn't reveal everything at one time—in official
capacity—

gave John that tape—led to guilty plea—I
tried to stay out of it til she asked for his help—

Mitchell told Sible Max shouldn't have been involved—
maybe I shouldn't—since was, handled very profession-
ally—

the boys would reveal bits at a time,

no doubt Karen and I having problems at time but I
thought

they
would give me credit—

he knew [name deleted] having affair with [name de-
leted]—

7½ years—just after Dan Yourman hired—while
Rierson still in office.

* * *

ENTRY

Al

that's a damn lie—everything gathered was
taken over to the county attorney—there was some
question of identification—supposedly Fishhouse—
some

it was a confused situation all around—county
attorney said as far as he concerned

Salisbury just a sorehead—he transferred to patrol and quit

was judgment he wasn't [word "wasn't" lined out] was goofing—

wasn't getting reports

he was put in when Soderstrom left—he

putting things in your mouth just not true—

Sible mad about going from patrol to detectives

I know that his accusations had [illegible word] grounds for criminal—administrative conduct—some questions

on validity ex-game warden's wife—we

had California statement—we came up with

nothing to hang our hat on—

the guy that supposedly thought he could identify didn't want it back—

even in the investigation—there was hard

feelings there Salibury was trying to make

something out of nothing—

if I told him anything it was what the

county attorney told us—if no further need for

investigative action that was it—

these guys are picking away at stuff as

much as 12 years back—Snyder's administration for these

guys to be a bunch of soreheads hang their hat

on their crazy—you'll find some in any

administration—soreheads—winners

it's my judgment that you have nothing of

criminal nature—nothing of administrative nature—

he didn't want nothing done about it

you know enough about proof of article—unless you

have positive proof investigating officer—court's will agree—

probable cause—you got nothing to hang your hat on

we've had to prove [word "prove" lined out] return stolen property to thief because owner couldn't prove it his

Park Inn—merchandise on DWI—illegal
search—t.v. set—

ex-wife—she

nothing administrative—or criminal
example Freebury—ten days off—Eureka—reckless driv-
ing

county attorney said off duty no responsible

we checked it out from A-Z—that's part of
administration of employees—

* * *

ENTRY

spring '75: Dan Yourman just started
Dennis Hester—

Bret Davis: Ken Obendorfer
Great Falls—IDS insurance deputy
Davis was doing theft investigation
of tools stolen out of pickup
Obendorfer worked with him
fight at El Rancho
Dixie Inn, March '82
John Bothe—lawyer—
Dana Christiansen—for Walters—
he was suspended, reimbursed?

Roy Cooper case—Soderstrom and he main investigators
on

that case—

3-4 days on crime scene—learned they picked up in
Idaho—trip involved—Sodie/Salisbury went to interview
with/

Rierson—7 hour interrogation, had evidence—girl broke—
March—April '81—6 day drug spree Doc Brock John self
Whitefish police department—drug bust Whitefish—Mar-
tin

City—Coram: 6

arrested approximately

Johnson—Flathead Electric Co-op—meter backward—
 over 10
 years ago
 saddle—phone bills—2 saddle blankets from Frank Shep-
 ard
 Glass,
 he said at Denny Roths
 Chuck wants to review—
 Rierson discussed Sible at time of transfer—he allowing
 Sible to handle? [question mark circled]
 Keller response to Sible letter June 1981

* * *

ENTRY

Rhodes—(feel misleading information possible—original
 records
 probably going to be destroyed—individual

ENTRY

Max wait til after year
 if brought out now, will put him on spot

* * *

ENTRY

[an arrow pointing right] Salisbury resigned August '81
 not
 July.

Jack Lowe: nothing to say—29—
 (reason nothing formally done—still negotiating with/
 AG's office over investigation—should.

* * *

ENTRY

Rierson: (everything gathered was taken over to the
 county
 attorney)
 he sent back for more investigation

[next two lines lined out but still legible]
 (there was some question of identification of smokehouse)
 victim says positive identification [end of line out portion]
 (we had statement from ex-wife in California given to
 officer there)
 she not in California—saddle case?
 (he didn't want anything done about it)
 didn't he ask for administrative action?
 (Soderstrom and Rierson told Salisbury to investigate as
 any
 other case)
 why if case already closed?
 (Steven's burglary—case closed after Salisbury left?)
 what happened?
 (reopened before election?)

*Notebook No. 52 Dated December 13, 1982 through Jan-
 uary 14, 1983*

* * *

ENTRY

Sible smokehouse deal—12-13 years ago? Max says 74—
 14 years ago—to begin with/it was 4
 pieces of concrete and plywood—
 Bob Brandewie—dead for 8 years ago got it from Bill?

He

says never knew Brandewie,
 only in tavern once—
 still have smokehouse? I sure do
 Bill had drinking problem—
 he has never contacted me or I would have given it
 back to him—would have g ["would have g" lined out]

I've

never talked to him
 don't even know him—
 didn't hear about it til a month after he
 quit/was quite surprised to hear about it—
 nobody knew anything about it—
 no report into September—

I think I used it four times—put roof on it,
painted it—used it two years haven't used it since
two feet by two feet wide by three feet

Max primarily concerned, didn't know how would affect—
257-3892

752-1253 Bill Eckerson

April—May '74—didn't positively identify he didn't deny
it—

he talked to Sible about it—it was '73-'74 I lived
in Big Fork—home made—no identifying marks on it—
went to

Big Fork Inn

near as I could tell—I think something should have been
done

from an administrative angle—never did want to get into
anything from a criminal angle—

I told him he had personnel problem—he got pretty hotty
about that (didn't take criticism to well)

I told him also that I didn't want to hear
anymore about it—

he already aware of smoke house deal—

I think everyone in town was aware of it because

I was pretty vocal about it—I told him didn't
want to get involved—he said no need—as time

went on it looked like this was only thing he
had against Sible—when Christian backed out, thought
Max vindictive—don't like to get involved in
anyone's vendeta—I like to keep things on
course—even if I don't like the guy I

* * *

ENTRY

she waitress in restaurant—husband cooking—kids
busing tables

lady who [illegible word] it familiar to Christian—Max
happened about time of burglary—Ester has statement

they still accused of petty theft plus petty burglary—they trying to go straight—

they quit after burglary—he [word illegible]—she also OSO Chico

when she

she visited August learned of burglary—very shocked, said heard kids planning

bonds—art photos—jewels—coins

\$150.00—

in bottom drawer of jewelry box was combination to safe

it was a half assed burglary it doesn't make sense—

I'm going to the newspapers—the voters did the rest—

he thought it was chicken shit that I

wasn't helping law enforcement

reason was I didn't trust them—I figured

it would get lost in the shuffle everything

else did—

If caught them probably would have done something foolish—

but

from August 25 ["August 25" lined out] October '82

WK—Maxine Lamb identified

self from sheriff's office said we're reopening case—

so contacted Salisbury again—he did not understand either—

After store keeper identified he had suspicion restaurant owner's son and friend—17 or 18—

Salisbury said was going there next—was

reassigned to other cases—don't know why he reassigned—

only personal thing would be Dutch Taylor—forced

to terminate through harassment at one of Schwinden's

\$100.00 plate campaign dinner Rierson accused Taylor of stealing art from prisoners, selling at profit—

the 2 owed \$1,500.00—\$2,500.00 in art supplies for prisoners—Stephens bought paintings from

I was honestly pissed that my weekend was interrupted—life goes on—insurance covered less than 5%—\$1,200.00—I'm not a detective, I'm an artist—I had faith that they had ["had" lined out] would cover it—had a suspicion Rierson being a media hound would take credit for

I did not feel intimidated—I did ["did" lined out] was not treated unkindly—only when contact ceased, detective transferred to patrol, I became alarmed—I disagree with Lamb that I'm withholding evidence because I want out

I did not spend every conceivable moment fretting about my burglary and I think anyone who does is stupid—

wanted to know what offense he committed to be put on patrol, then private sector

I hope next administration in there has more personal contact with complainants.

As public figure did not think it would behoove me to call 3-4 times/week hounding them

I have a feeling I was a victim of piss poor administrative turmoil—that had no bearing on my case—suffered horrendously

I think that is a shame and I want to know why—

why should I go out and get a statement from somebody who just happened to walk into my life—

radio—\$12,000.00 diamond ring missing from Taylor's trailer fire—

would you run right out to that sheriff and expect

why sheriff go down to prison to get statements the description of 2 people matched statement of woman of 2 people designing crime—

statement woman in August '81

right after burglary Salisbury in touch on weekly basis—when he came up with these 2 suspects—

shortly thereafter contact ceased with/Salisbury
 3-4 weeks after March-April weekly contact ceased
 by May total contact ceased

I inquired where he was—came upon him in
 patrol—he depressed—

then I tried to contact Max further after I
 had taken statement from lady early August or late July
 I ran into Max mid August he no longer on
 force—working security Outlaw—

I asked Max what had happened, told him
 statement we had taken—it matched 2 in
 statement we had taken

had no received contact from sheriff's department except
 4 phone calls each one saying didn't need my
 evidence anymore—come pick it up—I had
 no use for them—last three times asked why no need,
 why selling—they said no reason to keep—they
 done with/it—I said I don't have any use
 for a safe that's had the door chiseled
 open—no other contact til May '82 when
 asked 4th time for permission to sell—

August '80—

pension Miami—non-combat Rierson making
 look like combat

the man was lying to me—am I going to
 take him evidence when just shit canned a detective
 who just ["just" lined out] may be 30 days away from
 solving

a \$25,000.00 burglary?

people are blinded by the name tag—

I'm more pissed at him than burglars—

I did asked around

am I going to go to Warren Sible when
 Dutch Taylor says Sible and Sheriff took ring
 you've gone straight to sheriff you've come back
 mystified, things don't gel

I think after almost 2 years I have been very patient and very understanding and that's why I am now talking to the media

I think I became very much a victim of mismanagement and turmoil from within—radio, police written off as destroyed Rierson took it, had repaired—Al Hale radio barn U.S. 2

Al took it home—ring disappeared—

Pat took both—that A.M. in shop—

evening ring gone—tool shop—

hindsight is always so 20/20

people have a tendency to say well I

would have done—

would you call up the sheriff and say why did

you steal my ring—

August '82—didn't understand why closed

week October 20, '82—

August '82—bumped into Salisbury at Outlaw—he said concerned about burglary—Max concerned about other things too—

I ran into Max—came back to burglary—Max asked about it—he said no, got statements.

Hopes for new administration—pursue then he responded with all kinds of different cases—involving intimidation—Ester and I started inquiring—he started giving me names of officers—Updegraf, Fister, Obendorfer—Hayden—self—

Ester and I started asking around to find out what going on—as began talking to

officers each had a statement—they started coming to talk to me—said we're afraid, of reprisals, can you use influence to help us—

I would like to get my money's worth as taxpayer no ill feelings, no vendeta—volunteered to help—

they began preparing statements to best of their ability—bringing to us

Updegraf told about intimidations
 Stephens suggested go to Governor—Updegraf said go to
 consult other officers—all agreed wanted support—
 Updegraf's wife—Stephen's wife—Ted was
 extremely helpful, interested, middle of road, said file
 with county attorney—that gave at least officers
 support they weren't lost in shuffle, already ["already"
 lined out]

never in any way did they appear out to get
 anyone—I don't think any of these guys
 up front have a vicious bone in their
 bodies. I do feel that they have
 been wronged in many ways
 I think they feel if they're going to go
 out and bust somebody for a half gram of dope
 then they're at least going to have complete
 honesty and clarity in their supervisors

ENTRY

February 19, '80 between 3:30-5:30 P.M. apartment
 burglarized \$25,000.00—safe and contents, jewels
 documents, bonds, cash—inexpensive jewelry
 from bedroom—left \$15,000 in expensive jewelry—
 doesn't that seem odd—not vandalized not
 juvenile, not professional either—built into an
 end table cabinet approximately 500 lbs.
 a difficult place to case plus no pattern to my
 lifestyle—he at folks celebrating Esters birthday—
 gone from noon til notified 1:00 P.M. next
 day burglary—people downstairs noticed door ajar
 Rick Fister reported about 2:00 P.M. Saturday—initial
 report
 Salisbury responded about 3:00 P.M.—several other
 officers showed—
 within 5 days found safe—near Kila old railroad
 grade—
 lady who gave statement and husband lived out

there—had been bad assed—trying to go
 straight last 2 years
 mother of one of kids that did this
 had kids dump safe out by grade where
 they lived
 Max identified tool chisel plastic handle—
 found where purchased and 2 people who purchased—

ENTRY

Rierson on Stephens' story—
 27th Al in town—
 Warren Sible: in a meeting—

* * *

ENTRY

Stephens: 12/30 Ted made in clear he got a
 attorney did [word illegible] no legal mumbo jumbo—
 admitted worst ass chewing he ever had was
 from Rierson over crime board thing—made it clear
 he no legal power other than stays of
 execution
 you very good in bringing it to my attention—should
 go through proper channels—to county attorney then
 possibly to AG
 he was very fatherly, very understanding, did not take
 sides—was very clear ["clear" lined out] stoic
 every time officers went to attorneys they were shunned
 til charges became public—
 13th—a week or 2 weeks before that—the
 Friday of Main Street dedication

* * *

ENTRY

General Duffy—Great Falls—
 Dennis Updegraf—Rick Fister

* * *

ENTRY

Jack Lowe—you turned over to AG's office—they told me hangup was contact with Lympus—

Greeley—

not much our office can do about it—

general problem—

nobody at state level can do anything without authorization/

cooperation

of county attorney—never had conference with him—

[That ends Book 52 and takes up to January 14, approximately 2 weeks after the story appeared. The last 2 entries are simply to show that I continued to follow-up on this story.]

Telephone Notes

Entries from notebook of telephone notes commences in November of 1982.

[Explanation—I have a phone in my upstairs office where I

do most of my work, but I occasionally take calls on the downstairs phone and I keep a notebook hanging by the phone

in which I can take notes in order to save the time and inconvenience it would take me to go upstairs to my office to find my notebook and possibly risk losing a call from an

informant who would get impatient while waiting.

These notes are in chronological order but unless I happen

to write a date next to an entry, it's difficult to fix a precise date for any particular entry.]

ENTRY

11/22 329-3011 Regional Forester

257-8761 Tuesday called Dennis Updegraf—set up
 meeting
 tomorrow night—hear tape—(read transcript)—he will/
 tell all give list
 of 27 people—Attorney General refuses to talk to him
 any
 more—Jack
 Lowe still in political investigation—came over heard
 people—said hands
 tied—spoke of beer in pickup gals to Outlaw—State will
 postpone
 til January—Al to Mexico—he from oil family eastern
 Montana—38% of Montana
 tax paid by oil—adds \$30,000.00 plus income \$18,000.00
 —he
 also promoting friends, withholding others—manipulat-
 ing
 budget—trying to avoid complainants—call after 5

* * *

ENTRY

Updegraf [arrow pointing to right]
 tape as proof—of intimidation—he implicates Stephens—
 Fister
 Tom Frank [arrow pointing to right]
 Obendorfer
 meeting with/governor—
 Esther and he took statements

* * *

ENTRY

[message taken for me in my wife's handwriting]
 Fritz Baer
 Montana Attorney General
 11:30
 449-3874

ENTRY

Behr rested with commissioner on political practice—
 Margaret Krevik—Montana Code clearly states
 those kind of allegations must be investigated by
 the Commissioner on Political Practices
 Since that time I have not been involved
 in it at all—
 not me or my division—
 that's my reading of the statute of course
 I'm not a member of the Montana Bar
 Montana Code 13-37-111(1) Commissioner Political
 Practices
 shall be responsible for investigating all alleged viola-
 tions of
 election laws Chapter 35-37—shall in
 conjunction with county attorney be responsible for
 enforcing
 those laws—coercion, undue influence
 unlawful acts of employers—employees
 all I had available were letters and statements
 sent down—my reading of them indicated would fall
 within those rather than intimidation statute—
 intimidation statute not specifically geared toward this—
 more like kidnap—

* * *

